REMARKS

By the above actions, claims 3, 5, 7, 10, 12 and 15 have been amended. In view of these actions and the following remarks, further consideration of this application is now requested.

Before proceeding further, the applicant wishes to note his appreciation for the indication of allowable subject matter with respect to claims 7 and 10. Accordingly, these claims have been rewritten in allowable independent form.

All of claims 1-6, 8, 9, 11, 12, and 15 have been rejected under 35 U.S.C. § 103 based on a combination of the Lysen patent with that to Casby et al., by themselves or in further combination with one of the patents to Puyo et al., Rodloff or Nower. Reconsideration and withdrawal of the these rejections is hereby requested for the following reasons.

Firstly, it is noted that the Lysen patent is the PCT application cited at page 1 of the specification of the present application. Neither recognized nor evidently appreciated by the Examiner is the fact that this patent does not disclose that the sensor units 4, 10 used in performance of its method have a housing with "means for manually ... for holding the housing in place on a body whose state of alignment is to be determined" (as set forth in each of independent claims 1-5 and 12), nor is there any basis for concluding that they are so usable. On the other hand, there are indications to the contrary. That is, claim 1 of Lysen refers to "mounting" of the housing on the bodies being measured, while col. 2, last full paragraph, indicates that the sensor has to be "held in such a spatial alignment that the plane 5a ... extends parallel to a reference plane in space" which suggests a precise positioning as would not normally be associated with mere manual placement and holding against the surface of the body being aligned. This absent factor is significant because, if the sensors of Lysen are mounted to the reference surface of the body being aligned, the operator's hand(s) are not occupied with the task of "holding the housing in place" so there would be no reason to add the complexity and expensive of a means for enabling input despite the fact that the operator's hand is occupied since the operator's hands would be free when using the Lysen device.

As for the Casby patent, it is very clearly directed alignment procedures carried out with a u t o m o t i v e service systems, such as wheel alignment, wheel balancing, etc., operations which cannot be performed without looking at and working on the vehicle being serviced. Thus, there is a real need for a hands-free control capability in such an environment.

However, as pointed out above, no such need exists in Lysen. It is not seen why one of ordinary skill in the arts to which Lysen is directed would look to the automotive arts in the first place, let alone would adopt a complicated and expensive hands-free control system when no need for such exists. This returns to the basic fact that the present invention is an alignment system in which the sensors are ***manually held*** "in place on a body whose state of alignment is to be determined" and there is no basis for concluding that such is how Lysen's sensors might be used, and the Examiner has not even asserted that such is disclosed by Lysen. On the other hand, U.S. Patent 6,040,903, of which Lysen is a co-inventor, shows that apparatus of the type which practice similar methods, conventionally, physically mount the sensors to the bodies being measure. As such, it is not seen how it could have been obvious to combine the teachings of Lysen and Casby et al., let alone to do so in a manner that would lead to the present invention.

Likewise, the Puyo et al. patent relates to a simple inclinometer that is the electronic equivalent of a spirit bubble level which solely measures inclination or gradient of a floor, ceiling, wall" relative to a horizontal, vertical or other reference plane (see, column 3, penultimate paragraph) and not an optical gyro type sensor "for measuring and assessing the mutual alignment of bodies" such as the shafts, rollers, drives and the like (see, column 1, second paragraph of Lysen) that are aligned with respect to each other in the practice of Lysen's method. Also, the configuration of Puyo et al.'s inclinometer bears no resemblance to the configuration of Lysen's sensors nor is there any reason to believe that such a configuration would be suitable for use with Lysen's sensors, which are not intended to have a flat surface for resting against another flat surface. Thus, even if one would have considered Puyo et al.'s electronic spirit bubble level to be relevant to Lysen's disclosure, there is nothing about their respective disclosures which would have suggested applying aspects of Puyo et al.'s disclosure to Lysen in a manner which would suggest the present invention.

As for the Nower, here again, an arrangement is disclosed in which sensors are physically mounted on bodies being aligned. Thus, Nower further leads those of ordinary skill away from the present invention in which sensors for measuring and assessing the mutual alignment of bodies are manually held against the bodies being aligned. It is also pointed out that Nower's system could never be used if the operator had to manually hold the even one of his two sensors 12, 14 on the bodies being aligned as well as hold his control box

and operate its push buttons 32. Thus, rather than contributing to the obviousness of this invention, this patent only further reinforces the deficiencies of the basic combination of the Lysen and Casby et al. patents.

For all of the above reasons, it is submitted that all of the outstanding rejections should be withdrawn.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to applying against any of the claims, no detailed comments thereon is believed to be warranted at this time.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

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